

In the Office Action, the Examiner rejects claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over Dupont (U.S. Patent No. 5,729,542) in view of Chawla et al. (U.S. Patent No. 6,137,787).

Amended independent claim 1 recites in part: "Method for transmitting and receiving data in a code division multiple access telecommunication system...whereby contents of one of said groups are permitted to overlap with another of said groups." (Underlining and bold added for emphasis.)

It is respectfully submitted that the portions of Dupont and Chawla et al relied upon by the Examiner (hereinafter merely, "Dupont" and "Chawla") do not appear to disclose contents of one of said groups are permitted to overlap with another of said groups.

Accordingly, it is believed that amended independent claim 1 is distinguishable from the applied combination of Dupont and Chawla. For similar reasons, it is also believed that amended independent claims 8 and 12 are also distinguishable from the applied combination of Dupont and Chawla.

Further, since claims 2-7, 9-11 and 13-15 depend from one of amended independent claims 1, 8 and 12, they are also believed to be distinguishable from the applied combination of Dupont and Chawla for at least the reasons previously described.

Applicants therefore, request the above 103(a) rejection be withdrawn.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the Applicants' undersigned attorney and, in

the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejection of claims 1-15 and the allowance of this application with claims 1-15 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:


Dennis M. Smid
Reg. No. 34,930
(212) 588-0800

Version with markings to show changes made

Please amend claims 1, 8 and 12 by rewriting the same as follows:

1. (Twice Amended) Method for transmitting and receiving data in a code

division multiple access telecommunication system, comprising the steps of:

providing a random access time window comprising a plurality of random access slots for transmitting random access data from at least one first communication device to a second communication device, and

dividing the plurality of random access slots of the random access time window into at least two groups each having a respective initial size, and

allocating the groups to respective priority classes,

whereby the priority classes represent the transmission priorities of the random access data to be transmitted in the random access slots, [and]

whereby the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for the at least one group is dynamically changed and

whereby contents of one of said groups are permitted to overlap with another of said groups.

8. (Twice Amended) Device for transmitting and receiving data in a code division multiple access telecommunication system,

in which a random access time window comprising a plurality of random access slots for transmitting random access data is provided,

the plurality of random access slots of the random access time window being divided into at least two groups each having a respective initial size, and the groups being allocated to respective priority classes, whereby the priority classes represent the transmission priorities of the random access data to be transmitted in the random access slots, with means for randomly choosing one or more random access slots from a group having a certain priority class corresponding to the transmission priority of the random access data to be transmitted, [and] means for transmitting the random access data in said chosen random access slot(s), whereby the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for the at least one group is dynamically changed, and whereby contents of one of said groups are permitted to overlap with another of said groups.

12. (Twice Amended) Device for transmitting and receiving data in a code division multiple access telecommunication system, in which a random access time window comprising a plurality of random access slots for transmitting random access data is provided, with means for dividing the plurality of random access slots of the random access time window into at least two groups each having a respective initial size,

whereby the groups are allocated to respective priority classes, the priority classes representing the transmission priorities of the random access data to be transmitted in the random access slots, [and]

means for transmitting information defining the groups of the random access time window,

whereby the size of at least one of said groups is changed in accordance with changing needs such that a probability of access for the at least one group is dynamically changed, and

whereby contents of one of said groups are permitted to overlap with another of said groups.